

**WINDELS MARX LANE & MITTENDORF, LLP**

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*Special Counsel to Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MISCORK CORP. #1; MARTIN GETTINGER, in  
his capacity as Trustee for MISCORK CORP. #1;  
and MISCORK CORP.,

Defendants.

Adv. Pro. No. 10-05119 (SMB)

**STIPULATION AND ORDER EXTENDING TIME TO SELECT A  
MEDIATOR**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and the substantively consolidated estate of Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), individually, by and through his special counsel, Windels Marx Lane & Mittendorf, LLP, and defendants Miscork Corp. #1; Martin Gettinger, in his capacity as Trustee for Miscork Corp. #1; and Miscork Corp. (together, the “Defendants”), by and through their counsel, Akerman LLP (collectively, the “Parties”), represent as follows:

**WHEREAS**, on November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “LPO”) [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]; and

**WHEREAS**, the Trustee commenced this action (the “Adversary Proceeding”) by filing a complaint on December 2, 2010 [Dkt. No. 1]; and

**WHEREAS**, pursuant to the Notice of Applicability filed by the Trustee in this Adversary Proceeding on December 2, 2010 [Dkt. No. 2], the LPO and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter; and

**WHEREAS**, on April 17, 2014, the Defendants filed a motion to dismiss in this Adversary Proceeding [Dkt. No. 31]; and

**WHEREAS**, on April 29, 2014, the Trustee filed a Notice of Mediation Referral in this Adversary Proceeding [Dkt. No. 34];

**WHEREAS**, under the Avoidance Procedures, “[w]ithin 14 calendar days after the filing of the Notice of Mediation Referral, the Trustee and [Defendants] shall choose a mediator” (the “Mediator Selection Period”) in accordance with General Order M-390, “which is available on

the Bankruptcy Court's website: (www.nysb.uscourts.gov)"; and

**WHEREAS**, the Parties have agreed to extend the Mediator Selection Period in this Adversary Proceeding, which would otherwise end on May 13, 2014;

**NOW, THEREFORE**, the Parties stipulate and agree to, and the Court **ORDERS**, the following:

1. The Mediator Selection Period is hereby extended to May 20, 2014, or 7 calendar days after May 13, 2014.

Dated: New York, New York  
May 13, 2014

By: /s/ Howard L. Simon  
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*Special Counsel for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: Fort Lauderdale, FL  
May 13, 2014

By: /s/ Michael I. Goldberg  
Michael I. Goldberg, Esq.  
(michael.goldberg@akerman.com)  
Akerman LLP  
Las Olas Centre II, Suite 1600  
350 East Las Olas Boulevard  
Fort Lauderdale, FL 33301

*Attorneys for Defendants*

SO ORDERED ON May 13<sup>th</sup>, 2014:

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE